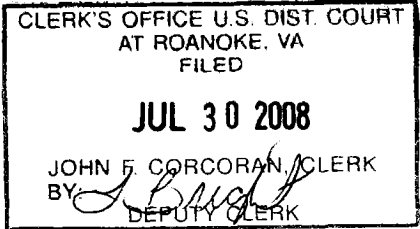


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



REGINALD A. MCGARY,)	
Plaintiff,)	Civil Action No. 7:08-cv-00418
)	
v.)	<u>FINAL ORDER</u>
)	
GENE M. JOHNSON, <u>et. al.</u> ,)	By: Hon. James C. Turk
Defendants.)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), plaintiff's motion for appointment of counsel and application to proceed in forma pauperis (Dkt. Nos. 2 & 3) are **DENIED**, and the case is stricken from the active docket of the court.⁶

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 30th day of July, 2008.

[Signature]

Senior United States District Judge

⁶ The plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this judgment or within such extended period as the court may grant pursuant to Rule 4(a)(5).